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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ELIZABETH CARLEY,	)	
	)	CASE NO. 2:17-cv-02670-MMD-VCF
Plaintiff,	)	
	)	<b>JOINT STIPULATION AND ORDER TO</b>
vs.	)	<b>EXTEND THE JOINT PRETRIAL</b>
	)	<b>ORDER DEADLINE FROM</b>
NEVEN, et al.,	)	<b>SEPTEMBER 28, 2022, TO</b>
	)	<b>OCTOBER 5, 2022</b>
Defendants.	)	<b>(Fifth Request)</b>

Plaintiff ELIZABETH CARLEY, by and through her counsel of record, Lisa A. Rasmussen, Esq. of The Law Offices of Kristina Wildeveld & Associates, and Defendants, SHERYL FOSTER, PATRICK VEJAR, JO GENTRY, JAMES DZURENDA, CHARLES DANIELS, GABRIELA NAJERA, TANYA HILL, DWIGHT NEVEN, CYNTHIA RUIZ, by

1 through their counsel, Aaron D. Ford, Nevada Attorney General, and Douglas R. Rands, Senior  
 2 Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby submit  
 3 a Joint Stipulation and Order to Extend the Joint Pretrial Order Deadline from September 28,  
 4 2022 to October 5, 2022.

## 5 **I. INTRODUCTION**

6 The Parties hereby move to extend the Joint Pretrial Order deadline from September 28,  
 7 2022 to October 5, 2022 (7 days). The Joint Pretrial Order is due today. Counsel for Plaintiff,  
 8 Ms. Carley, prepared a draft of the Joint Pretrial Order that they sent to Mr. Rands yesterday  
 9 afternoon. Mr. Rands, counsel for all defendants, emailed last night to advise that he is currently  
 10 in trial and he will not be able to complete his portions of the Joint Pretrial Order today as a result.

11 Accordingly, the parties seek a one week extension of time to file the Joint Pretrial Order  
 12 and submit to the Court that the fact that Mr. Rands is in trial constitutes good cause.

## 13 **II. LEGAL STANDARDS**

14 Federal Rule of Civil Procedure 6(b)(1) provides:

15 (1) In General. When an act may or must be done within a specified time, the court may,  
 16 for good cause, extend the time:

17 (A) with or without motion or notice if the court acts, or if a request is made, before  
 18 the original time or its extension expires; or

19 (B) on motion made after the time has expired if the party failed to act because of  
 20 excusable neglect.

21 FED. R. CIV. P. 6(b)(1).<sup>1</sup>

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22 <sup>1</sup> LR IA 6-1(a) provided that “[a] motion or stipulation to extend time must state the reasons for  
 23 the extension requested and must inform the court of all previous extensions of the subject  
 24 deadline the court granted.” Further, a “stipulation or motion seeking to extend the time to file an  
 opposition or reply to a motion, or to extend the time fixed for hearing a motion, must state in its  
 opening paragraph the filing date of the subject motion or the date of the subject hearing.” LR IA  
 6-1(c).

The United States Supreme Court has recognized, “Rule 6(b) gives the court extensive flexibility to modify the fixed time periods found throughout the rules, whether the enlargement is sought before or after the actual termination of the allotted time.”<sup>2</sup> Further, this rule is to be liberally construed to effectuate the general purpose of seeing that cases, and other disputed issues, are decided on the merits.<sup>3</sup> Regarding “Good cause,” it is a non-rigorous standard that has been construed broadly across procedural and statutory contexts.<sup>4</sup> Consequently, requests for extensions of time made before the applicable deadline has passed should “normally ... be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.”<sup>5</sup>

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<sup>2</sup> *Lujan v. Nat'l Wildlife Fed.*, 497 U.S. 871, 906 n. 7 (1990) (internal quotation marks and citation omitted) (emphasis added); see also *Perez-Denison v. Kaiser Found. Health Plan of the Nw.*, 868 F. Supp. 2d 1065, 1079 (D. Or. 2012) (citing and quoting *Lujan*, 497 U.S. at 906).

<sup>3</sup> *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258 (9th Cir. 2010).

<sup>4</sup> *Id.* (citing *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir.2004), *Thomas v. Brennan*, 961 F.2d 612, 619 (7th Cir.1992), *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951, 954 (4th Cir.1987)).

<sup>5</sup> *Ahanchian*, 624 F.3d at 1259 (quoting 4B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (3d ed. 2004)).

1 . . .

2 **III. CONCLUSION**

3 For the foregoing reasons, the Parties request an extension of the Joint Pretrial Order  
4 deadline from September 28, 2022 to October 5, 2022.

5 DATED this 28<sup>th</sup> day of September, 2022.

DATED this 28<sup>th</sup> day of September, 2022.

6 **THE LAW OFFICES OF KRISTINA WILDEVELD  
& ASSOCIATES,**

**OFFICE OF THE ATTORNEY GENERAL**

7 **By: /s/ Lisa A. Rasmussen**

**By: /s/ Douglas R. Rands**

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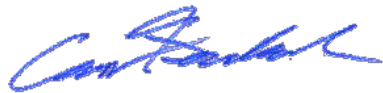
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*Attorneys for Plaintiff, Elizabeth Carley*

*Attorneys for Defendants*

11  
12 **IT IS SO ORDERED:**

13 

14 UNITED STATES MAGISTRATE JUDGE

15 9-29-2022

16 DATED: \_\_\_\_\_